

EXECUTIVE OFFICER'S SUMMARY REPORT
9:00 a.m., February 11, 2004
North Coast Regional Water Board
Hearing Room
5550 Skylane Boulevard, Suite A
Santa Rosa, California

ITEM: 9

SUBJECT: Revision of Cease and Desist Order No. R1-2000-72 to allow additional connections to the City of Crescent City, Municipal Wastewater Treatment Facility.

DISCUSSION

The City of Crescent City owns and operates a wastewater treatment facility (WWTF) serving the City and adjoining unincorporated urban area of Del Norte County Service Area No. 1. Discharge from the WWTF is to the Pacific Ocean through a short outfall. It is regulated by a National Pollutant Discharge Elimination System (NPDES) Permit issued by the Regional Water Board on September 22, 2000 (Order No. R1-2000-71). The WWTF has reached biological and hydraulic capacity and the Regional Water Board adopted cease and desist orders (CDO) with a restriction on new connections and a time schedule requiring the City to provide additional capacity. Some interim improvements have been completed and the City has requested a limited number of new connections to the WWTF. The Regional Water Board's action today is to consider modifying the CDO to allow a limited number of new connections to the WWTF.

Background

On February 27, 1997, the Regional Water Board adopted CDO No. 97-17 as a result of chronic violations of NPDES Permit limits. The CDO was revised in 1998, 1999, and again on September 22, 2000, as Order No. R1-2000-72. Work done under these orders demonstrated hydraulic and organic loads exceeding WWTF capacity. A connection restriction was included in the 1998 CDO prohibiting new wastewater flows to the WWTF until it could be shown that new flows would not cause additional violations of the NPDES Permit.

Crescent City requested limited relaxation of the connection restriction in 1999; and the Regional Water Board granted authorization to connect 220 single-family dwellings or 86,000 gallons per day. By letter dated August 13, 2003, Crescent City estimated all 220 connections would be made by the end of 2003 and requested another 160 connections. By letter dated December 16, 2003, the City requested 55 single family residential connections to be used by a large targeted housing project (Del Norte Point Apartments) that may be funded in early 2004.

Additional Capacity

Planning completed under the CDOs indicates a new WWTF is needed for consistent compliance with NPDES permit effluent limits. Order No. R1-2000-72 requires completion of the new WWTF design by August 1, 2005. The City estimates the new WWTF will be operational in 2007. An average of 32 connections per year has been used to accommodate development since

1997. The requested number of connections would sustain the present rate of development through 2008.

Since adoption of the CDOs, the City has increased effluent pumping capacity and initiated a sewer system rehabilitation program to reduce wet-weather flows. Industrial plant closures have reduced organic loading over the same time period. The City alleges that these measures have reduced per capita organic loading from 0.16 to 0.12 pounds per day, and per connection flows from 390 to between 200 and 250 gallons per day. On the basis of these changes, the City alleges that the requested 160 additional connections should produce no incremental loading increase beyond what was projected for the 220 connections authorized in 1999. Effluent violations have been reduced by the measures undertaken, but long-term compliance will require continuing collection system rehabilitation, pretreatment program enforcement, and adherence to WWTF construction time schedules. The City has been complying with NPDES permit conditions consistently with the exception of some recent violations that have occurred as follows:

- During a pretreatment compliance inspection on June 9, 2003, inspectors found that the City had failed to reissue the Rumiano Cheese permit pursuant to 40CFR403.8(f)(1)(iii)(A) and had failed to evaluate the need to develop and implement a slug discharge control plan pursuant to 40CFR403.8(f)(2)(v). Rumiano Cheese released a slug discharge of 3000 gallons of milk on June 28, 2003, which caused the WWTF to violate effluent limitations from July 15th through August 26th.
- Biochemical oxygen demand effluent limitations were again violated in October 2003 because the WWTF was organically overloaded by return flows from the sludge dewatering process.
- In November 2003, the WWTF was upset by a slug discharge of diesel fuel. A valve was opened in a pipeline that allows wastewater to bypass secondary treatment units.
- During a storm on December 12-14, 2003, a manhole in the outfall line was unable to withstand the pressure generated by the new effluent pumps and treated wastewater was discharged into a storm drain and into Crescent City Harbor. This storm event is estimated to be in excess of a 50-year precipitation event for both a 12-hour and 24-hour storm. The manhole was repaired.

Additional Connections

Pursuant to Title 23, California Code of Regulations, Section 2244.3(b), prohibitions or restrictions on additional discharges to a WWTF may be removed by the Regional Water Board if the Board finds that:

- 1) consistent compliance with waste discharge requirements can be achieved only by construction of a facility which will take a substantial period of time to complete,
- 2) the discharger has the capacity, authority, and financial resources to complete the corrective measures necessary to achieve compliance and is currently proceeding with such corrective measures,
- 3) the corrective measures necessary to achieve compliance with requirements will be placed into operation by the discharger in the shortest practicable time,

- 4) all practicable interim repairs and improvements to the treatment process of the discharge that can be made have been made, and
- 5) during the interim period of time until compliance with requirements can be fully achieved the treatment processes of the discharge will be so managed, operated, maintained, and repaired as to reduce to a minimum the violations which resulted in the imposition of the prohibitions or restriction, and such minimum violations for the interim period of time involved will not significantly impair water quality or beneficial uses.

The City has complied or can comply with conditions cited above with the possible exception of having the financial resources to construct a new WWTF, which currently is estimated to cost \$48 million in 2003 dollars. The City's facilities plan provides various scenarios of loans and grants that would be necessary to finance construction of the new WWTF in three stages to spread the cost out over time. The City should now explore financing opportunities and obtain commitments for financing new WWTF construction.

During the interim period, it is appropriate that the Regional Water Board modify CDO R1-2000-72 to allow two years of new connections to the WWTF (at the current rate of new connections) plus an additional 55 new connections for the proposed targeted housing project. This would allow for normal growth in the community until the design is complete and the City obtains commitments for financing the new WWTF. CDO No. R1-2002-0005 contains a time schedule to complete design of a new WWTF by August 1, 2005.

**PRELIMINARY STAFF
RECOMMENDATION:**

Adopt the proposed Order modifying Cease and Desist
Order No. R1-2000-72.